

FINAL REPORT



COUNTY OF INYO

2002-2003 GRAND JURY

2002-2003 Inyo County Grand Jury Final Report

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The Honorable Dean Stout and the Honorable Brian Lamb
Judges of the Inyo County Superior Court
Inyo County, State of California

Your Honors:

In compliance with the laws of the State of California and the charge given to us, the Inyo County Grand Jury, 2002-2003 is pleased to submit our Final Report to the Court, to officials of the Inyo County Government and to its citizens. As is customary, also included in our report are responses to the recommendations by the 2001-2002 Grand Jury by the appropriate agencies.

It has been my privilege to serve as foreperson of the Inyo County Grand Jury for a second year. By way of comparison, 2002-2003 has presented a more relaxed approach to our duties than the previous year. That is not to say that the task was any less challenging. Rather, a combination of ingredients has contributed to making 2002-2003 less pressurized for the jury. Fewer complaints were submitted and fewer problems requiring investigation were brought to our attention. Also, as one of the three holdovers from the previous year, I viewed the task as an old hand with less apprehension than before due to past experience. Of great importance, for new members as well as old, training sessions provided by the California Grand Juror's Association adequately served to prepare the full jury for its work.

Whether or not the decrease in submitted complaints reflects a general satisfaction by the public with its county agencies is open to question. However, my observation is that much of what past juries have recommended, if not met with disagreement from responding agencies, is given only their passing attention, resulting in a possible lethargic public interest. Some of the reoccurring themes appear over the years with little change. Such issues as upgrading attention to the state's Open Meeting Law (Brown Act) and the much needed improvements in our Juvenile Detention Center are two examples of repetitious reporting. Hopefully, the steady drumbeat of Grand Jury reporting will alert the public to their need for reviewing and expecting more than perfunctory response to Grand Jury reports from county agencies. Except for influencing public opinion, the Inyo County Grand Jury has little authority to enforce its recommendations

short of seeking indictments based on in-depth investigations of wrongdoing in government agencies.

I wish to express our appreciation to those citizens who have taken their time to submit information to the Jury. While we have not seen fit to conduct an in-depth investigation of every complaint, each signed letter has been considered and acknowledged by the full jury. Hopefully, this Final Report will reflect the seriousness with which we have approached our assignment. Again, it is my pleasure to express appreciation for the members of the 2002-2003 Grand Jury and the work they have done. As always, Grand Jury duty can be demanding on the time and energy of its members.

Sincerely,

Lorin H. Soderwall, Foreperson
2002-2003 Inyo County Grand Jury

2002-2003

Grand Jury Final Report

Agency and Officials Response Requirements

Section 925 of the California Penal Code provides that grand juries shall investigate and report on the operations, departments, or functions of the county, and Section 925(a) provides that they may do the same on the operations, departments or functions of any city within the county.

Penal Code Sections 933 *et seq.*, requires public agencies and elective county officers affected by the findings and recommendations contained in the grand jury's Final Report to respond to such recommendations. The affected public agencies have ninety days, and elective public officers have sixty days in which to file their responses.

As to grand jury recommendations, Penal Code Section 933.05 also requires responding parties to indicate whether each recommendation has been implemented or will be implemented and, if so, when. If a responding party will not implement a recommendation, the party must explain why it will not implement such recommendation. If a party believes that a recommendation requires further study, Penal Code Section 933.05 requires that it be stated when the results of the study will be publicly discussed.

INYO COUNTY GRAND JURY, 2002-2003

Lorin H. Soderwall,* Foreperson
Jack Pound,* Foreperson *pro tem*, Chair. Brown Act Committee
Maxine Ordway, Recording Secretary
Jan Fischer, Corresponding Secretary
J.T. Griffen, Treasurer
Tuula Kennedy
Debbie Baetge*
Norma Odenbach
Larry Pruce, Chair. CPS Investigation
Laurel Rogers
Kimbal Walker
**Indicates 2nd year of Grand Jury duty*

Mission Statement

The Inyo County Grand Jury is an arm of the Superior Court system and serves as an investigatory body.

The Grand Jury:

- Will act as the public's watchdog" by investigating the affairs of government.
- Will judiciously investigate all allegations against and misconduct by public officials.
- Our purpose is to assure honest, efficient government that functions in the best interest of the citizens of Inyo County.

Introduction:

The Grand Jury is an instrument of the judicial system of our government and carries on the best traditions of English Common Law and democratic government. Our form of government has vested the ultimate power of decision in its citizens. The Grand Jury is a reflection of this intent, and has been in place for over 50 years.

The Inyo County Grand Jury is composed of eleven citizens nominated by judges, members of the Inyo County Board of Supervisors, and city council members. Citizens may volunteer by contacting one of the aforementioned offices. Members of the Grand Jury are selected in a random drawing

conducted by the Presiding Judge of the Superior Court. The Grand Jury's term of office is for one year.

What is the Grand Jury?

The Grand Jury is an investigatory body and is part of the government. Both the Constitutions of the United States and the State of California call for grand juries. Unlike a trial jury, which exists only to try individual cases, the Inyo County Grand Jury is a permanent body with members serving one-year terms.

In the course of its investigations the Grand Jury may hire independent auditors and subpoena witnesses and documents. The Jury may ask advice of Legal Counsel on civil matters, confer with the Inyo County District Attorney on criminal matters, and discuss problems with the judges of the Superior Court.

The Grand Jury is charged by the Court to order audits and to conduct hearings, interviews and investigations. The charge provides definition and delineation, so that the effort of the Jury is focused on solutions. Committees within the Jury are established to better manage the responsibilities and utilize individual talents and abilities. There is latitude in selection of areas of investigation.

The Jury has oversight responsibility for all publicly funded local entities operating in Inyo County and acts in the role of ombudsman for any citizen complaining against any government entity or official within Inyo County. Local entities under the jurisdiction of the Grand Jury include the County of Inyo, the City of Bishop, joint powers agencies, public prisons and limited jurisdiction over special districts and school districts located in Inyo County. The Grand Jury does not have jurisdiction over State or Federal government operations including the court system.

The jury's Annual Report is submitted to the Presiding Judge of the Superior Court of Inyo County. The Grand Jury distributes its Annual Report to all affected agencies and to the citizens of the county.

The findings and recommendations in its Final Report are required to be answered by all affected agencies in the time specified by the Penal Code. While the Penal Code does not require any follow-up by subsequent Grand

Juries, it is implied.

Interested parties are encouraged to read the full responses from affected agencies on file with the Superior Court. Citizens are encouraged to respond to any part of the Final Report.

Civil Responsibilities:

The Grand Jury may examine all aspects of county and city government, and special districts, to ensure that the best interests of the citizens are being served. The Grand Jury reviews and evaluates procedures, methods, and systems used by the county government for efficiency and economy.

The Grand Jury is authorized to:

- Inspect and audit books and records to ensure legal expenditures and accounting of public funds
- Inquire into the conditions of prisons, jails, and detention centers in Inyo County.
- Inquire into charges of willful misconduct in office by public officials or employees.
- Subpoena witnesses and documents in the course of an investigation.

The Grand Jury reports on investigations in the annual Final Report. The Final Report contains all findings and recommendations made as a result of the investigations and is distributed to public officials, libraries, and to the general public and news media.

Citizen Complaints:

As part of its civil function, the Grand Jury receives written complaints from citizens alleging inefficiencies and misconduct in government, or mistreatment by public officials. Complaints received from citizens are investigated for their validity. Such complaints are kept confidential, and members of the Grand Jury frequently rely on information from concerned citizens who are aware of problems, and who are willing to pursue corrective action. If the situation warrants, and the matter is under the jurisdiction of the Grand Jury, appropriate action is taken. That action may be a report, a recommendation for civil action, or a formal indictment or accusation if criminal matters are involved.

**INYO COUNTY RESPONSES TO THE 2001-2002
GRAND JURY FINAL REPORT***

****Please Note: the following responses are to the 2001-2002 Grand Jury Final Report and were filed by September of 2002.***

**PREFACE TO COUNTY RESPONSES
TO
2001-2002 GRAND JURY REPORT**

Responses by the various county government agencies continue, indiscriminately, to address each of the Grand Jury's findings as well as the Jury's recommendations. However, most of the findings result from the Grand Jury's various investigations and observations while conducting on-site visitations, interviews with various complainants and/or county officials, and general research into operations of county agencies. Thus, most findings constitute the collective impressions of jury members as to the subject matter under investigation and, while providing the rationale for the Jury's conclusions in its Final Report, generally are not subject to agreement or disagreement by those responding agencies. For example, the Jury's findings that an agency's personnel were cooperative in the investigation or that a facility was clean and neat on the particular date of their visit does not warrant a response of agree. The California Penal Code specifies that government agencies are to respond to the Jury's findings and recommendations pertaining to matters under the control of the governing body (933 et seq.). Findings are, for the most part, experiential to the Grand Jury, not under the control of the governing body, and probably are best left to the Jury's observations.

Recommendations, on the other hand, emanate from the jury's investigations and may or may not meet with the approval of the responding government agencies. It is with the recommendations of the Grand Jury that agreement or disagreement by government agencies is most appropriate, and such responses certainly can address the Jury's findings as a basis for their recommendations. But, unless a finding constitutes a serious problem intrinsic to the Jury's recommendation for correcting agency procedures, practices, etc., such finding is better left unaddressed.

The significance of the above distinction is threefold. (1) confusion to the average reader of the Final Report; (2) useless time and space given to contesting or agreeing with what members of the Grand Jury did or

did not personally experience in the process of their work; and (3) distraction from the real issues that need to be addressed.

It might be even more helpful for the county to publish publicly its responses separate from the Grand Jury's final Report, a practice that actually might be in closer compliance with Penal Code 933(c). The responses of the County to the 2001-2002 Grand Jury Final Report, contained in this year's Final Report, are being published at least one year after the jury's recommendations were made, a practice that has proved to be confusing, not to mention somewhat irrelevant, to the average reader.

Since the Penal Code requires responses by every county elected officer or agency head to be made no later than 60 days after the Grand Jury's Final Report is submitted and 90 days for the governing body of any public agency subject to the reviewing authority of the Grand Jury, such responses are actually available to the public much earlier. California's Penal Code provides that a copy of all said responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk . . . and shall remain on file in those offices. It can be assumed that such placement is simultaneous with submission of individual responses to the Superior Court. Thus, In order for the public to be fully and more easily informed, it seems reasonable that such responses could also be provided in printed form to the public at the same time they are filed with the appropriate clerks rather than delaying publication until the following year.

The above is not a criticism of past or present responses. Rather, it is simply a suggestion to improve future Grand Jury reports by making agency responses to them more accessible to and readable by the general public.

COUNTY RESPONSES
GRAND JURY 2001-2002 FINAL REPORT
INYO COUNTY JAIL

NOTE: *The Grand Jury requested a response from the Inyo County Library regarding Recommendation No.3. The Inyo County Library is a division of the County Administrator's Office and as such is under the auspices for response by the Inyo County Board of Supervisors per Penal Code Section 933(c). In addition, while the Grand Jury did not request a response on the other findings or recommendations, pursuant to Code Section 933 the County Board of Supervisors is the governing body and as such is required to respond.*

Finding 1. "During the Grand Jury's inspection, staff was informative, cooperative and courteous."

County Response: Agree. *The County is pleased that the Grand Jury found Inyo County staff informative, cooperative and courteous. The Board of Supervisors would like to take this opportunity to commend the Staff and acknowledge their exemplary professionalism.*

Finding 2. "The Jail facility was clean and appeared to be well maintained and in good condition, with the exception noted in Finding 3."

County Response: Disagree partially. *The County is proud of the Inyo County Jail and supports Staff in their efforts to maintain the facility. However; we agree with the Sheriff that the statement of finding is indicative that the cracks are either due to lack of maintenance or poor building condition. Neither is accurate. Cracks are not a maintenance issue and may or may not indicate the condition of the building.*

Finding 3. "Two cracks were noticed in the wall just outside the visiting room."

County Response: Agree. *The County recognizes that minor aging damage will occur; from time-to-time, to the various buildings under the purview of the County. Every effort is made to take corrective action to repair these minor problems as soon as feasible within the confines of the County's budgetary process.*

Finding 4. "At the time of the Grand Jury's visit, the jail was five (5) officers short of a full staff."

County Response: Agree.

Finding 5. "The facility appears to be run in a competent and professional manner, in spite of correctional officer staff problems."

County Response: Disagree partially. *If by a staffing problem the Grand Jury is referring to the five correctional officers as short of full staffing, then the County agrees with the finding. If the Grand Jury is referring to something else, then the County is unable to agree or disagree with the finding without further detail.*

Finding 6. "The Sheriff's Department has requested funding for two transport officers, to transport inmates to court appearances, medical appointments and such. This function is currently performed by deputies and correctional officers."

County Response: Agree. *The funding for the positions was approved in the 2001/2002 Board approved budget.*

Finding 7. "Food and general medical care for inmates appears to be adequate. Mental health and substance abuse counseling programs are available to inmates. Providers include: Inyo County Department of Mental Health, Alcoholics Anonymous, and the Toiyabe Indian Health Project."

County Response: Agree.

Finding 8. "As required by law, a law library is provided for use by inmates."

County Response: Agree.

Finding 9. "There is no general library, and there is no inmate access to the Inyo County Library system."

County Response: Disagree wholly. *Inmates have continuous access to a wide variety of contemporary reading materials that are maintained at the facility. These include reference, novels, periodicals, and newspapers. These reading materials are regularly updated and supplemented. New reading materials are purchased (such as subscriptions to magazines and local newspapers) along with current novels and non-fiction works. Additionally, regular donations are accepted. The inmates have access to these materials in most instances upon request. Materials can and have been requested by the inmates from the County Library and soft cover versions are allowed and provided if available. If requests are not available through the library, soft covered versions are then purchased. There are some restrictions on reading materials allowed in the facility such as certain types of pornography (under legal limits) and hard back books that can be used in acts of aggression against other inmates or staff. There are additional concerns of smuggling contraband into the facility in books and reading materials delivered to the facility from outside sources. In*

recent history no inmate has failed to receive reading material requested and suggestions by inmates for new types of reading material have been quickly addressed. These materials are well received and extensively used. Books that are not viewed or are worn and replaced are then donated to charities or exchanged at the used book store in Bishop.

Finding 10. "Most inmates appeared to be occupied watching television."

County Response: Disagree partially. *Inmates often have the television on in the dayroom area of the cells. Most often, they are preoccupied with discussions amongst themselves, leafing through reading materials, writing letters, awaiting transportation to medical appointments or court, an opportunity to move to the exercise yard or meals. All of these activities normally occur in the dayroom area. Reading of novels or periodical articles most often occur in their individual cells.*

Finding 11. "Educational programs that might guide inmates toward learning how to be successful members of society upon release do not appear to be available."

County Response: Disagree partially. *In visiting the facility, access to educational programs would not appear to be available; however; programs such as G.E.D. (General Education Development) are available to those desiring to obtain a High School diploma. Ongoing religious services are held by various denominations and programs have been provided by the Office of Education and other organizations such as the Inyo County Council for the Arts as they are funded and made available. A continuing problem in program maintenance is the average stay at the facility. Inmates are generally in custody for only three (3) days at a time. A smaller group is held for longer periods; normally pending Court actions which keep them focused on those proceedings and finally a smaller portion are pending transfer to other facilities, such as State Prison or other jurisdictions where they face additional charges. All of these circumstances, combined with the average inmate age of 35 lead to County jails being of limited service to guide inmates towards learning how to be successful members of society. With the limitations we face, the Sheriff's Department still manages to provide structure, dental, health and mental health care, discipline, cleaning and cleanliness skills along with the programs and opportunities previously mentioned to help those seeking to make a change.*

Recommendation 3. "Inmate library access should be established by a cooperative effort with the Inyo County Library and by increasing public awareness of the need for donations."

County Response: This recommendation will not be

implemented because it is not warranted. As previously noted, the inmates at the Inyo County Jail have access to specific types of reading materials upon request, as well as having access to a wide variety of popular reading materials. The Sheriff's current methods of providing reading materials to inmates is well received among the populations, inmates are allowed special requests and the entire program is under continual scrutiny to assure it's viability.

COUNTY RESPONSE
GRAND JURY 2001-2002 FINAL REPORT
"INYO COUNTY JUVENILE DETENTION CENTER"

Finding 1. "The Juvenile Detention Center was clean appeared to be well maintained."

County Response: Agree.

Finding 2. "The Staff was cooperative with the Grand Jury during the investigation. They appear to be dedicated to and concerned with the welfare and development of the juveniles detained in their custody, and maintain an emphasis on positive reinforcement and rehabilitation."

County Response: Agree. *The Board of Supervisors is pleased to commend staff for their dedication to helping juvenile detainees.*

Finding 3. "Poor acoustics in the day-room continue to be a problem, as it has been since the Juvenile Detention Center opened. The two attempts to rectify the problem, covering a remote section of the wall with carpet and hanging small state flags from the ceiling, have produced less than satisfactory results. Poor acoustics lead to communication and supervision problems, which can quickly lead to security concerns."

County Response: Disagree partially. *While the acoustics in the dayroom continue to be a nuisance, the facility has experienced no security problems as a result of these acoustics.*

Finding 4. "The Grand Jury was told that there is still a very foul unidentified odor in the building, usually during the wetter months of February, March and April."

County Response: Disagree wholly. *This odor had been identified as a problem in the past. At that time, the matter was investigated thoroughly by the Public Works Department, Environmental Health Officials and the State of California, with the end result being that we were unable to locate the source. There has been no odor detected for the last two years, as a result there is no longer a need to continue to attempt to correct a problem which no longer exists. If in the future this arises as a concern, efforts will begin to once again locate and eradicate, if feasible, the source of the odor*

Finding 5. "Since last year's Grand Jury recommended that the Juvenile Detention Center should have a full-time cook on staff, a part-time cook has been hired, and steps are being taken to make that a full-time position."

County Response: Disagree wholly. *The Juvenile Facility has a full-time cook on Staff. The full-time position was approved during in*

the FY 2001/02 budget. The filling of the full-time position was completed last year.

Finding 6. "The Grand Jury was advised that plans to renovate the kitchen to comply with County Health Department regulations are being developed in the Public Works Department."

County Response: Disagree partially. *There has been discussion regarding the possible need to renovate the kitchen. It has been determined that the renovation will require a complete redesign of the portion of the building where the kitchen is located. At the present time plans are not being developed in the Public Works Department for this project. Until such time as the concept for a kitchen renovation project, including the identification of funding sources, is developed by the Probation Department and approved by the Board of Supervisors no work is being performed on this project.*

Finding 7. "The Juvenile Detention Center has no private and secure entrance for picking up and dropping off detainees."

County Response: Disagree partially. *There is a double-locked two-door pass through system through which detainees are transported. Neither the need for; nor a project concept to construct a more private and secure entrance, has been identified and presented by the Probation Department to the Board of Supervisors for consideration.*

Finding 8. "A drinking fountain has been installed in the exercise yard, in accordance with last year's Grand Jury Recommendation."

County Response: Disagree partially. *While the Board appreciates the recommendations made by the Grand Jury, it should be noted that the drinking fountain was installed in the exercise yard prior to last year's Grand Jury recommendation, as noted in the County's response to the 2000/2001 Grand Jury Report.*

Finding 9. "Facility staff is below authorized strength. Recruiting faces the same obstacles as the county jail."

County Response: Agree.

Finding 10. "The Grand Jury was advised that Mental Health counselors for juveniles are not always available when needed."

County Response: Agree.

Finding 11. "The Juvenile Detention Center maintains an education program designed to meet the needs of the individual juveniles."

County Response: Agree. *The Owens Valley School has the responsibility for the educational program at the Juvenile Detention Center. The County agrees with the Grand Jury that the School does an excellent job of meeting the educational needs of the individual juveniles.*

Finding 12. "The Grand Jury was advised that problems persist with the locks on the facility doors. In an emergency, this would be a serious safety concern."

County Response: Disagree partially. *The correct use of the locks on the facility doors is a training issue and as such does not pose safety concerns in normal or emergency situations.*

Finding 13. "The detainees' personal care items were observed in the same area as cleaning supplies."

County Response: Agree. *However; it should be noted that the County's policy for personal care items is "personal care items should not be stored with cleaning supplies."*

Finding 14. "Landscaping planned when the facility was built six years ago has never been com-completed."

County Response: Disagree partially. *The front and sides of the facility have been landscaped. The back portion of the facility, around the exercise yard is not landscaped. Healthy Start Grant funds have been dedicated to landscape the exercise yard.*

Recommendation 1. "Other methods to correct the acoustics problem in the day room be explored until one is found to work."

County Response: The recommendation has been implemented. *The County continues to seek mitigation for the acoustical problem in the day room.*

Recommendation 2. "Efforts should continue to find the source of the foul odor that impacts the facility and correct the problem."

County Response: The recommendation will not be implemented because it is not warranted. *There has been no odor detected for the last two years. As a result; there is no longer a need to continue to attempt to correct a problem which no longer exists. If in the future this again arises as a concern, efforts will begin to once again locate and eradicate, if feasible, the source of the odor*

Recommendation 3. "The Juvenile Detention Center should have a full-time cook on staff, and renovation of the kitchen to comply with Health

Department regulations should be undertaken promptly."

County Response: *The recommendation will be implemented. A full-time Cook is currently on staff at the Juvenile Detention Center and as a result of this staffing; some kitchen equipment is being upgraded to provide for kitchen operations to meet County health codes. Recommendations for the renovation of the kitchen will be considered within the normal scope of the facility's budget process should a renovation project be recommended by the Department.*

Recommendation 4. "Learning opportunities for detainees in the kitchen, consistent with safety and security concerns, should be explored."

County Response: *The recommendation has been implemented. When the Board of Supervisors authorized the full-time cook position last year; there was a plan developed to allow for the learning opportunities which were identified by staff at that time, and reiterated through this Grand Jury recommendation. This program is proceeding within the normal operations of the facility and as it is deemed feasible by the facility management.*

Recommendation 5. "The problem of recruitment and retention of staff should be addressed."

County Response: *The recommendation has been implemented. The Board of Supervisors recently authorized, despite a Countywide hiring freeze, the recruitment and hiring of two Juvenile Counselors. The Board of Supervisors and the County recognize the need to continue the recruitment efforts at the Juvenile Facility. The County continually evaluates personnel policies and procedures, including pay scales, recruitment methodologies, labor pool inadequacies, and negotiation strategies. Personnel is an evolving process and the County will continue to find new and innovative ways to meet the Staffing needs of its programs, in order to ensure the retention of staff and that service is performed at the highest level.*

Recommendation 6. "Construction of a private and secure entrance at the west entrance should be considered."

County Response: *The recommendation will be implemented. Within budgetary constraints and competing priorities, an evaluation of the need for a more private and secure entrance will be made and if a viable option is presented, including the identification of a funding source, the project will be considered within the normal scope of the County's budgeting process.*

Recommendation 7. "The Juvenile Detention Center should be provided with adequate access to Mental Health Counselors when needed, particularly after regular business hours."

County Response: *The recommendation has been implemented. The Juvenile Detention Center does receive Mental Health Counselor services as needed. In addition, a Behavioral Health Program Coordinator was approved in the budget and work continues on the recruitment.*

Recommendation 8. "The problems with locks in the facility should be resolved immediately."

County Response: *The recommendation has been implemented. Whenever a problem arises with the locks, the situation is evaluated by Staff. One area of deficiency was identified regarding the use of the key instead of the knob for opening the door. Training of staff on the proper procedure is ongoing.*

Recommendation No.9. "Personal care items should not be stored with cleaning supplies."

County Response: *The recommendation has been implemented. The facility's policy is "personal care items should not be stored with cleaning supplies." Enforcement of the policy continues. Should a storage deficiency be identified, corrective action will be considered within the confines of the County's budgetary process.*

Recommendation No. 10. "Library access should be established by a cooperative effort with the Inyo County Library and by increasing public awareness of the need for donations."

County Response: *The recommendation will be implemented. The County continues its efforts to work with the State of California Board of Corrections to provide services at the juvenile facility as required. Should the ability to provide library access be feasible the recommendation will be considered through the County's budgetary process, based on a recommendation from the Probation Department. The County has been notified that the Keith Bright School has recently started a library at the facility. The concept of coordinated library services between the County Library and the Keith Bright School will be explored further.*

COUNTY RESPONSE
GRAND JURY 2001-2002 FINAL REPORT
"OWENS VALLEY CONSERVATION CAMP #26"

NOTE: The Grand Jury requested a response from the Inyo County Library regarding Recommendation No.2. The Inyo County Library is a division of the County Administrator's Office and as such is under the auspices for response by the Inyo County Board of Supervisors per Penal Code Section 933(c).

Recommendation 1. "The Inyo County Board of Supervisors should take whatever steps are available to have this camp remain open, and should invite the Board of Supervisors of Mono County to join them in this endeavor."

County Response: *This recommendation has been implemented. The State of California is contemplating cutting the budget for local CDF fire suppression activities. The Board of Supervisors of both Inyo and Mono Counties remain committed to protecting our resources and continue to work through CSAC (California State Association of Counties) and RCRC (Regional Council of Rural Counties) to persuade the State to continue to fund the vital services provided by the inmates at the Owens Valley Conservation Camp.*

Recommendation 2. "The availability of reading materials at the camp should be increased by a cooperative effort with the Inyo County Library and by increasing public awareness of the need for donations."

County Response: *This recommendation will not be implemented because it is not reasonable. Jurisdiction for this facility is not the County's. It is the responsibility of the State of California to provide for the services and well-being of the inmates at the facility. The responsibility of the County of Inyo is to provide library services for its residents. To utilize County library funding, which is currently at risk due to proposed State budget cuts, to provide services for a State program would not be appropriate. The County will continue to support the Owens Valley Conservation Camp and, where feasible and in the spirit of community service, help them with their library functions.*

COUNTY RESPONSE
GRAND JURY 2001-2002 FINAL REPORT
"COUNTY PARKS"

Finding 1. "The Jury was informed of the operations of County Parks, including those facilities at Tecopa Hot Springs, by the Assistant County Administrator who also supervises the Parks and Recreation Department through a subordinate supervisor. During their visit the Committee also met with one of the two County Park Rangers assigned to the Tecopa Hot Springs area.

County Response: *Disagree partially. The County agrees with the findings of the Grand Jury with the exception that the reference to the Assistant County Administrator should be corrected to Deputy County Administrator*

Finding 2. "During their visit to Tecopa Hot Springs, the Committee was shown the bathhouses, the social services center, and was given a walking tour of the RV Campground. The Jury learned that while most of the facilities at Tecopa Hot Springs are old, many corrections to access and/or signs have been made. Additional improvements to campground and bathhouse facilities are contemplated within the Master Plan for the area which is under review by the County administration and the Board of Supervisors."

County Response: *Agree.*

Finding 3. "At the beginning of the current fiscal year, the County instituted an increase in campground fees at the Tecopa Hot Springs Campground. The Committee observed occupancy at the County RV Park of approximately fifty percent, or less, during a time when normal usage there, or in Death Valley, usually is at its peak. The County Park Ranger stated to the Committee that he did not believe the decrease was due to higher fees, but rather the state of our economy and national security concerns.

County Response: *Agree.*

Recommendation 1. "The Jury commends County Recreation and Parks staff for their knowledgeable and friendly manner and facilities and programs offered.

County Response: *The recommendation has been implemented. The Board of Supervisors is pleased to join with the Grand Jury in commending the Parks and Recreation Staff for their knowledgeable and friendly manner and for keeping the County facilities presentable and for implementing the County programs effectively.*

Recommendation 2. "The Jury believes that issues concerning the future of County operations at Tecopa Hot Springs appropriately rests with the Board of Supervisors."

County Response: *The recommendation has been implemented. The Board of Supervisors continues to evaluate the options and alternatives for the operations at Tecopa Hot Springs, and is grateful for the recognition that the issue of future operations, appropriately rests with the Board of Supervisors.*

COUNTY RESPONSE
GRAND JURY 2001-2002 FINAL REPORT
"ROADS"

Finding 1. "The Jury was advised by the Public Works Director that prioritization of County road maintenance in a County as geographically vast as Inyo is difficult, but is being examined through the use of a relatively new computerized data base. Previous resurfacing work on a County road in the Tecopa/Shoshone area was performed by shutting down the entire roadway for a time, an action which the Public Works Director stated should not be repeated. The condition of County road leading into Tecopa Hot Springs, though rough, does not seem to discourage visitation by large RVs, and may be of some benefit in reducing speed through this congested and pedestrian area."

County Response: Agree.

Finding 2. "By comparison to County roads, State routes 127 and 178 in the area are heavily used, present substandard sight distances, and 127 may be used for the transport of hazardous waste to the Yucca Mountain site."

County Response: Agree.

Recommendation 2. "Given the high level of tourist use of all roads in the area, the Jury recommends that County officials work closely with all appropriate governmental and state agency personnel to provide for increased safety of state routes in the area with special emphasis on State Route 127 as it may become more important in the proposed use of Yucca Mountain for the storage of hazardous nuclear waste.

County Response: *This recommendation has been implemented. One of the County's main focus' over the past several years has been on the transportation of hazardous waste on Route 127. The Local Transportation Commission (LTC) continues to assist Caltrans officials in their efforts to find funding for a study which will identify safety issues along S.R. 127 and recommend improvements to the route. As these improvements may be considerable, it is the intent of Caltrans, with the support of the L TC, that the Department of Energy fund these improvements.*

COUNTY RESPONSE
GRAND JURY 2001-2002 FINAL REPORT
"REPORT ON THE INYO COUNTY LIBRARY SYSTEM"

Finding 1. "The library's card catalog has not been fully automated for computer access.

County Response: Agree

Finding 2. "Because of the lack of automation, intensive labor is required to organize and to track books and materials."

County Response: Disagree wholly. *Automation of the library catalog system will improve access for the public and will also make the catalog easier to use and search. However; the Library staffing levels required to maintain the appropriate tracking of books and materials whether from working with cards for a manual catalog system or from working with database entries for an automated system, will remain constant, there will be no significant decrease in workload.*

Finding 3. "By combining the positions of Library Director and Museum Director into one full-time position, cost savings were realized.

County Response: Agree.

Finding 4. "The library has also lost a half-time secretary position."

County Response: Disagree partially. *Through the Board approved county-wide reorganization of the library the Library Fiscal Services Supervisor was assigned additional duties with the Inyo County Parks and Recreation, which combined more efficiently like duties in two divisions of the County Administrator's Office, which has resulted in greater efficiency for both divisions.*

Finding 5. "The County has advertised three times for a qualified library director. The position requires a Masters Degree in Library Science. While some of the responding candidates did possess the requisite graduate degree, they were not hired. Instead, Mr. Michael, who holds a Masters Degree in another academic field, was given the position.

County Response: Disagree partially. *There were three state-wide recruitments for the County Library Director position, which does require a Masters Degree in Library Science. However; the recruitments did not result in a suitable candidate, with both the Library Science Masters Degree and the skills and experience required to manage a County agency with the unique rural challenges faced by the Inyo County Free Library. Mr. Michael was*

not, as inferred by the finding given the position. He earned the position by competing and being selected as the top candidate in the second and third recruitments. (Mr. Michael's did not apply for the position in the first recruitment and prior to the conclusion of the second and third recruitments, the Board of Supervisors appointed Mr. Michael's as the Interim Library Director) The Library/Museum Director position was not offered to Mr. Michael at the conclusion of the second recruitment because the County continued in its hope of finding a successful candidate with the required Library Science Degree as well as the skills and experience essential to this position. With the result of the third recruitment being again Mr. Michael as the top candidate, the County took exhaustive measures to work with the State of California to obtain their approval of Mr. Michael's credentials for the position. At the conclusion of the successful negotiations, the County was pleased to offer the combined position of Library/Museum Director to Mr. Michael's, a highly qualified individual who has dedicated his professional career to Inyo County.

Finding 6. Complaints dealing with the day-to-day library issues are addressed in the Library Policies and Procedures Manual."

County Response: Disagree partially. *Library staff spent a great deal of time and effort to complete a Library Policies and Procedures Manual which presents guidelines to help staff deal with many of the library's day-to-day operations. Complaints are addressed by the actions of dedicated staff who have a clear picture of the library's goal of excellent service to the citizens of Inyo County, and by managers who are trained to deal with a very diverse public.*

Finding 7. There are numerous financial grants available from the State of California to improve and upgrade public libraries. With the implementation of certain programs, such as homework clubs and reading groups, the County's eligibility to receive such grants would improve.

County Response: Partially disagree. *Grant funding is available from the State to improve and upgrade public libraries. However; there is no way of knowing in advance if specialized programs are implemented that grant funds would be forthcoming. It is not fiscally prudent to institute costly programs in the hopes of improving the chances of being eligible for grant funds.*

Recommendation 1. "The county should place a higher priority on funding the automation of the county libraries' card catalogue for computer access.

County Response: This recommendation will not be implemented because it is not reasonable. *The question of priority must remain within the context of the total operational aspects of the libraries. The County continues to place a high priority on the automation of the card catalogue for computer*

access. However in light of the proposed State budget cuts for libraries, the Board of Supervisors will be critically evaluating all library operations in an effort to identify areas where cutbacks may be made without impacting services. The prioritization of funding for the automation of the card catalogue will be evaluated within the context of the County's budget process, based on recommendations made by Library management.

Recommendation 2. "Internet access to the card catalogue system should be made available."

County Response: *This recommendation will not be implemented because it is not reasonable.* Making this type of information available on the internet may be cost prohibitive at this time. In light of proposed State budget cuts which may affect library operations, this project will be prioritized within the context of the County's budget process. Additionally, until the County's information backbone is significantly upgraded, technically involved web page additions, such as this, are difficult.

Recommendation 3. "The savings realized from the combining of the two directors positions should remain in the library system."

County Response: *This recommendation will not be implemented because it is not reasonable.* The County appreciates the recommendation by the Grand Jury for the use of savings realized in the reorganization of the library and the museum to remain with the Library. However, the discretion on how to best provide countywide services within budgetary constraints remain with the Board of Supervisors and the recommendation that they waive this responsibility in order to facilitate one program at the possible expense of other programs is not practical.

Recommendation 4. "The Library Director, or someone within the library system, should aggressively seek state grants and implement programs to improve the county's eligibility to receive such funds."

County Response: *This recommendation has been implemented.* The Library/Museum Director; remains dedicated to maintaining and improving the library program within Inyo County. He has been responsible for the County receiving several grant awards which are being used to upgrade various library operations. Additionally, the Board of Supervisors remains committed to the recommendations of Staff regarding the implementation of programs which make the Libraries more attractive to receiving grant funds. However; funding for these programs remains within the confines of the County's budgetary process.

COUNTY RESPONSE
GRAND JURY 2001-2002 FINAL REPORT
"REPORT ON THE BISHOP AIRPORT"

Finding 1. The location of the terminal building was determined by Mr. Jeff Jewett, Director of Public Works, along with Mr. Barnes, Airport Manager."

County Response: Disagree partially. *The recommendation for the location of the terminal building involved input from Mr. Jewett and Mr. Barnes. The approval of the specific site location of the building was made by the Board of Supervisors.*

Finding 2. "The terminal is roofed with high dimensional asphalt shingles that carry a twenty-five year guarantee. The shingles specified in the original plans were not available, and the type that was ultimately selected constitute an upgrade.

County Response: Agree.

Finding 3. (2.) "The original building plans provided for optional layout features. From these options, the county elected to have a patio and cover and an all-weather entrance constructed. In order to comply with the American Disability Act (ADA) additional concrete walkways were also constructed."

County Response: Agree.

Finding 4. (3.) "The nozzles for the fire suppression system that are exposed to the elements are nitrogen-filled to prevent freezing. The fire suppression system does not have an adequate water supply, since it was installed in anticipation of a new well being drilled. However, the jury was informed that the terminal may be occupied in the interim."

County Response: Agree.

Finding 5. "Mr. Michener was the project engineer and ken Bonnefin was the building inspector for the construction."

County Response: Disagree wholly. *Mr. Bonnefin is an Engineering Assistant with the Public Works Department. He was the Resident Engineer on the terminal building project. As Resident Engineer he was responsible for administration of the construction contract. He controlled the work, interpreted the plans and specifications, and prepared progress payments. Mr. Michener is a Building Inspector with the Building and Safety Department. He was the building inspector on the terminal building project. His responsibility was to ensure the building and all of its components were constructed in accordance with applicable building codes and standards.*

Finding 6. "The terminal building is equipped with a Sears non-residential heating and air-conditioning system that exceeds the specifications for the building size. The building code does not allow for commercial buildings to have windows that open."

County Response: Disagree partially. *The terminal building is equipped with a commercial HVAC system. The HVAC system was not manufactured by Sears. However the system does meet or exceed the Seasonal Energy Efficiency Rating, (SEER) mandated by Title 24, Part 2 of the California Code of Regulations. The building code allows commercial buildings to have windows that open. However, the terminal building was designed as a closed system, with fresh air directed from the exterior into the return air supply. The amount of fresh air introduced into the system is in accordance with applicable codes.*

Finding 7. "The restaurant kitchen was planned to allow for the flexibility of the operators who will eventually occupy the facility. Two different types of electrical outlets were installed, 110/120 and 230/240. There are two pass-through windows from the kitchen to the restaurant area to use as the new occupants see fit."

County Response: Agree.

Finding 8. (7.) "There are two septic lines servicing the new building" one from the restroom/shower area and a line running from the restaurant. A grease interceptor was installed in the line from the restaurant."

County Response: Disagree partially. *There is a sewer line serving the shower and rest-rooms and there is a sewer line with a grease interceptor serving the indirect wastes in the restaurant. Both lines connect and are served by the same septic tank and leach field.*

Finding 9. "There are seventeen years remaining on Inyo County's airport property lease. There is a full twenty-year lease requirement in order for the county to receive grant money for construction of the needed well."

County Response: Disagree partially. *The current forty-year lease, ending June 30, 2018, does not provide the County with the twenty years required by grants from the Federal Aviation Administration. The airport has been awarded a grant (conditioned upon getting a lease extension) for the upgrade of the airport water system, installation of security fencing, purchase of snow removal equipment and installation of apron paving. It is anticipated that additional grants will be awarded for the construction of access roads, upgrade of electric equipment and the construction of additional paving for runways and taxiways. It is the County's*

understanding that DWP cannot enter into lease agreements that extend more than fifty years in cumulative time. Due to the grant award by the FAA and the expected future grant offers, the County has requested a lease period extension for the maximum time period allowed to June 2024. Additionally, the County is requesting a revision to the lease boundary to provide additional space needed for the required Object Free Zones at the end of each runway and for the possible extension of the 12-30 runway.

Recommendation: "The Grand Jury recommends that the county execute a new twenty-year lease with the City of Los Angeles Department of Water and Power to secure grant monies for completion of the well."

County Response: *The recommendation has been implemented. The County continues to work with the City of Los Angeles, Department of Water and Power to extend the lease period or to secure ownership of the Bishop Airport property. The County does not have the ability to require the City of Los Angeles to execute a longer termed lease. The County will continue to work with the City of Los Angeles to secure the best scenario for the County with regard to the Bishop Airport. At the present time, the County is awaiting a response from the City of Los Angeles to approve the County's request for the extension of lease date and the revised boundaries.*

COUNTY RESPONSE
GRAND JURY 2001-2002 FINAL REPORT
"REPORT ON THE CALIFORNIA OPEN MEETING LAW"

Finding 1. "The California Open Meetings Law (Brown Act) requires local governmental bodies to post all meeting agendas in a public place 72 hours prior to a regular meeting (24 hours prior to a special meeting); (1) items for discussion and/or vote must be conducted in open session, unless specifically authorized for closed session; (3) items not listed on the agenda are not to be discussed or voted upon; (4) a public comment period must be scheduled either before or after discussion of agenda items; and (5) meetings are to be held within district boundaries."

County Response: Agree.

Finding 2. "From the eighteen responses to the Grand Jury's letter, there appears to be an awareness of requirements of the Brown Act, although three of the special districts requested more information and indicated that they would be in contact with the County Counsel, Mr. Paul Bruce. The Grand Jury members would like to have attended public meetings of school and special districts, but time did not permit them to do so.

County Response: Agree.

Recommendation 1. "All school and special districts should follow all reporting requirements of the state. As public information, the districts should correspond with the County Clerk on a yearly basis to help keep public records, such as membership and contact sources up to date."

County Response: *The County encourages the school and special districts to implement this recommendation. The County Counsel is available to assist any school or special district in understanding Brown Act compliance.*

Recommendation 2. All school and special districts should make certain that agendas are posted 72 hours prior to regular meetings. Although it is not a requirement, the Grand Jury recommends that special districts should also give notice to the press of all public meetings.

County Response: *The County encourages the school and special districts to implement this recommendation. The County encourages special districts, within their budgetary constraints, to provide the press with copies of the Agendas for their meetings.*

Recommendation 3. All school and special districts need to acquaint themselves thoroughly with the requirements of the Brown Act. When new members are elected or appointed to a district governing body, Brown Act training should be mandatory. A publication concerning the Brown Act may

be obtained from the State Attorney General's office. Local training is also available by contacting the Inyo County Counsel, Mr. Paul Bruce. Special effort should be made to train all special district board members, as well as newly elected/appointed members, in the provisions and requirements of the Brown Act.

County Response: *The County encourages the school and special districts to implement this recommendation. The County suggests that the school and special districts add Brown Act training to their by-laws, establish an annual process whereby the District requests the training and work with County Counsel to establish a calendar for the training, which coincides with election schedules.*

Recommendation 4. "As stated in our Continuity Report, the 2001-2002 Grand Jury recommends that subsequent grand juries correspond with all school and special districts regarding the Brown Act. A yearly letter to all such governing bodies could include where to get information concerning the key provisions that such districts need to be aware of. Also, requesting a letter of response from each district would be beneficial to future grand juries.

County Response: *The County encourages the Grand Jury to implement this recommendation.*

Recommendation 5. "Also as stated in our Continuity Report final reports by future grand juries should include a segment on the Brown Act, alerting the school and special districts that the Grand Jury may be the appointed body to conduct oversight concerning their compliance with the Open Meeting Law.

County Response: *The County does not agree with this recommendation. The County believes it would be inappropriate for one Grand Jury to encumber future Grand Juries with the responsibility of oversight of compliance with the Open Meeting Law.*

(Grand Jury comment: Recommendation 5 is made by the 2001-2002 Grand Jury in keeping with its continuity obligations and is entirely appropriate. Recommendations made by this Grand Jury to future grand juries are not obligatory in any way. It is incumbent on future juries to consider and weigh the importance of such recommendations and to act accordingly. Furthermore, grand juries act independently of their county administrations [see Penal Code 924.4], and it is not within the province of county government to determine what is or is not appropriate business for juries to recommend to their successors. "Continuity promotes responsible independence and supports vigorous exercise of the civil function", as per California Grand Jurors Association Training Seminar for August 2002, p. 13)

**COUNTY RESPONSE
GRAND JURY 2001-2002 FINAL REPORT
INYO COUNTY SHERIFF**

July 10, 2002

The Honorable Dean Stout
Presiding Judge. Superior Courts in and for the County of Inyo
168 North Edwards Street
Independence. California 93526

**Reference: Response of the Sheriff to the 2001-2002 Inyo County
Grand Jury Report**

Dear Judge Stout:

As required, these are our comments on the issues relating to the
Sheriff's Office as discussed by the Grand Jury report.

INYO COUNTY JAIL

FINDINGS:

FINDING 1. During the Grand Jury's inspection, staff was informative,
cooperative and courteous.

RESPONSE TO FINDING 1: Agree with the finding.

FINDING 2. The Jail facility was clean and appeared to be well
maintained and in good condition, with the exception noted in Finding 3

***RESPONSE TO FINDING 2: Disagree partially with the finding 2. The
statement of finding is indicative that the cracks (noted in Finding 3) are
either due to lack of maintenance or poor building condition. Neither is
accurate. Cracks are not a maintenance issue and may or may not indicate
the condition of the building. This is further addressed in Recommendation
1.***

FINDING 3. Two cracks were noticed in the wall just outside the visiting
room.

RESPONSE TO FINDING 3: Agree with the finding.

FINDING 4. At the time of the Grand Jury's visit, the Jail was five (5) officers short of a full staff.

RESPONSE TO FINDING 4: Agree with the finding.

FINDING 5. The facility appears to be run in a competent and professional manner, in spite of Correctional Officer staffing problems.

RESPONSE TO FINDING 5: Agree with the finding.

FINDING 6. The Sheriff's Office has requested funding for two transport officers, to transport inmates to court appearances, medical appointments and such. This function is currently performed by Deputies and Correctional Officers.

RESPONSE TO FINDING 6: Agree with the finding.

FINDING 7. Food and general medical care for inmates appears to be adequate. Mental Health and substance abuse counseling programs are available to Inmates. Providers include: Inyo County Department of Mental Health Alcoholics Anonymous, and the Toiyabe Indian Health Project.

RESPONSE TO FINDING 7: Agree with the finding.

FINDING 8: As required by law, a law library is provided for use by inmates.

RESPONSE TO FINDING 8: Agree with the finding.

FINDING 9. There is no general library, and there is no inmate access to the Inyo County Library system.

RESPONSE TO FINDING 9: Disagree with the finding. Inmates have continuous access to a wide variety of contemporary reading materials that are maintained at the facility. These include reference, novels, periodicals, and newspapers. These reading materials are regularly updated and added to. New reading materials are purchased (such as subscriptions to magazines and local newspaper) along with current novels and non-fiction works. Additionally, regular donations are accepted. These materials are made available to the inmates at most any time upon their request. Materials can and have been requested by the inmates from the County library and soft cover versions are allowed. If not available through the library, soft cover versions are then purchased. There are some restrictions on reading materials allowed in the facility such as certain types of pornography (under legal limits) and hard back books that can be used

in acts of aggression against other inmates or staff. There are additional concerns of smuggling contraband into the facility in books and reading materials delivered to the facility from outside sources. In recent history no inmate has failed to receive reading material requested and suggestions by inmates for new types of reading material have been quickly addressed. These materials are well received and extensively used. Books that are not viewed or are worn and replaced are then donated to charities or exchanged at the used book store in Bishop.

FINDING 10: Most inmates appeared to be occupied watching television.

RESPONSE TO FINDING 10: Partially disagree. *Inmates often have the television on in the dayroom area of the cells. Most often, they are preoccupied with discussions amongst themselves, leafing through reading materials, writing letters, awaiting transportation to medical appointments or court, an opportunity to move to the exercise yard or meals. All of these activities normally occur in the dayroom area. Reading of novels or periodical articles most often occurs in their individual cells.*

FINDING 11. Educational programs that might guide inmates toward earning how to be successful members of society do not appear to be available.

RESPONSE TO FINDING 11: Partially agree. *In visiting the facility, access to educational programs would not appear to be available; however programs such as G.F.D. (General Education Development) are available to those desiring to obtain a High School diploma. Ongoing religious services are held by various denominations and programs have been provided by the Office of Education and other organizations such as Inyo County Council for the Arts as they are funded and made available. A continuing problem in program maintenance is the average stay at the facility. Inmates are generally in custody for only three (3) days at a time. A smaller group is held for longer periods; normally pending Court actions which keep them focused on those proceedings and finally a smaller portion are pending transfer to other facilities. Such as State Prison or other jurisdictions where they face additional charges. All of these circumstances, combined with the average inmate age of 35, lead to County Jails being of limited service to guide inmates towards learning how to be successful members of society. With the limitations we face we still manage to provide structure, dental, health and mental health care, discipline, cleaning and cleanliness skills along with the programs and opportunities previously mentioned to help those seeking to make a change.*

RECOMMENDATIONS:

RECOMMENDATION 1. The cracks in the wall should be repaired.

RESPONSE TO RECOMMENDATION 1: The recommendation requires further analysis. As stated, cracks are not a maintenance issue and may or may not be indicative of building condition. To address them as maintenance would have the Office continuously cosmetically camouflaging the cracks with filler and paint as they appear throughout the building in this usual time of settling and with the continuous minor earthquakes the Valley is known for. To consider them indications of poor building condition requires the inspection of the cracks by a California licensed engineer. This inspection has been requested through the County Public Works Department and has not yet been completed as of the required date for response to this report. We are assured by Public Works that this inspection will occur within a six (6) month time frame. Appropriate action will be taken based on the report.

RECOMMENDATION 2. The need for recruiting, training and retention of Correctional Officers and Sheriff's Deputies should continue to be addressed before retirement of present staff creates acute problems.

RESPONSE TO RECOMMENDATION 2: The recommendation has been implemented. With funding available to the Sheriff's Office, through the State, permission has been obtained from the Board of Supervisors to open three new Deputy Sheriff's positions for the life of the funding. These positions will allow the Office to have Deputies trained and ready to assume vacated positions. As each position vacates and is filled, new personnel will be hired and trained and readied for the next vacancy. These Deputies, while awaiting the vacancies, are used as Corrections Deputies to ease the like burden on Correctional Officer staffing levels. As of the date of this report the Deputy staff is filled with the three new positions in training status. The most recent recruitment for Correctional Officers was successful and currently we are in the hiring and training phase of this program to bring our C:O staff to the current maximum.

RECOMMENDATION 3. Inmate library access should be established by a cooperative effort with the Inyo County Library and by increasing public awareness of the need for donations.

RESPONSE TO RECOMMENDATION 3: This recommendation will not be implemented as it is not warranted. As discussed in Finding 9 above,

the inmates of the Inyo County Jail have access to specific types of reading materials upon request. In addition to the specific materials, a wide variety of popular reading materials are available to stimulate interests in other areas. Storage, security issues and staff work load are likely victims of increased access with limited gain to a currently very viable program. Donations are regularly accepted at the facility, however the staff must physically review each item dropped off to assure that facility security issues are maintained. To increase the amount of donated material through increased awareness would not address the needs of the inmates. Unauthorized communications, narcotics and even weapons can be introduced into the facility through this avenue. These concerns are based on actual incidents at this facility and others around the nation. Our current methods of providing reading materials to inmates is well received among the population, inmates are allowed special requests and the entire program is under continual scrutiny to assure it's viability.

RECOMMENDATION 4. The educational potential of television should be explored and exploited to the extent that safety and security concerns permit.

RESPONSE TO RECOMMENDATION 4: The recommendation has been implemented. The inmates have available to them numerous channels including: Discovery, The Learning Channel, Arts & Entertainment, History, Lifetime, Food Network, Style, Discovery Health Network, Golf and a majority of the national and local news channels along with a Spanish channel. Television is exploited as a tool to maintain good order in the facility through control by restriction and as a method of reward.

Sincerely,

DAN LUCAS
Sheriff, Inyo County

**COUNTY RESPONSE
GRAND JURY 2001-2002 FINAL REPORT
OWENS VALLEY CONSERVATION CAMP #26**

State of California

Memorandum

Date: 718102

To: Inyo County Grand Jury

From: M. Keilner, Lieutenant, Camp Commander, CC 26
760-387-2686

Subject: Response to Recommendation #3 in the Grand
Jury's Final report

As requested the following is a response to clarify State policy on the training equipment as it pertains to not only Inmate firefighters but also ALL inmates under the jurisdiction of the California Department of Corrections.

I have enclosed a copy of the Administrative Bulletin and other documents associated with this policy change. In January 1998 Gregory Harding, Chief Deputy Director, Support Service, California Department of Corrections authored Administrative Bulletin 98/01. In this AB he sites several reasons as to why weights are being removed from the CDC run Correctional Facilities:

"Recreational programs are maintained in Correctional facilities to provide exercise for inmates, and to promote their general health and welfare. The department has determined that inmate access to recreational weight lifting programs and equipment are not necessary to achieve this objective."

Other reasons sited are the possibility of weights being used as weapons, the use of the weight pile as an assembly area for illegal inmate activity and "may create a risk of harm to other inmates, Correctional Officers, and staff and upon release, to law enforcement and the general public." (This would be the result of inmates "bulking up" during their period of incarceration.)

I believe that the law that is mentioned in the Grand Jury's report refers to inmate firefighters having access to a weight lifting program as referenced in section 3220 (g) of the California Code of regulations, commonly referred

to the Title 15. This section in part states "This provision mandates that any exception must be specifically authorized by the Director of Corrections and will be done on a case by case basis as deemed necessary for physical training for such purposes as inmate fire crews.

§ 5010 of the Penal Code goes into further detail on the conditions of weights and their use within the Department's correctional facilities. In § 5010 (a) there is a reference; "...it may be beneficial to provide access to weights for therapeutic or rehabilitative reasons under a doctor's order or for certain vocational activities such as fire fighting."

I hope the information provided clarifies the policy on weights at Owens Valley Conservation Camp. If you have further questions, please contact me at the above listed phone number.

#

MV Kellner, Lieutenant Camp Commander,
Owens Valley CC # 26

**COUNTY RESPONSE
GRAND JURY 2001-2002 FINAL REPORT
INYO COUNTY OFFICE OF EDUCATION**

**Inyo County Office of Education
(George Lozito, Superintendent of Schools)**

DATE: July 1, 2002

TO: Inyo County Grand Jury

FROM: George Lozito

SUBJECT: GRAND JURY REPORT RESPONSE

Inyo County Special Education Local Plan Area (made up of all the superintendents in Inyo County) annually reviews the formula for allocation of funds.

Death Valley Unified School District is autonomous of the County Superintendent and Special Education Local Plan Area (SFLPA) in establishing a special day class. Any decision to do so rests with the Death Valley Unified School District Board of Trustees.

INYO COUNTY 2002-2003 CONTINUITY REPORT

1. The 2001-2002 Grand Jury recommended that a major concern for follow-up by this year's jury should be the acoustical problem in the day room of the Juvenile facility. The 2002-2003 Grand Jury has investigated this problem and has explicitly recommended that the county take positive action to correct the problem. (see p. 41) In brief, the problem still exists. The 2002-2003 Grand Jury recommends that the next jury continue to investigate and emphasize to the county the need to make this problem a priority. Additionally, Improvements/up-grades for the kitchen facilities, also recommended by this year's jury, should be further examined by next year's Grand Jury.

2. The county's Child Protective Services (CPS) presents a genuine problem in public relations at the least, and possibly an even more serious and in-depth investigation is needed to bring accountability to this department. Due to pressures of time, this Grand Jury was unable to complete its investigation of CPS. However, some of the complaints that were received concerning the department were troubling and called for a further inquest. The 2002-2003 Grand Jury recommends a more thorough research of Child Protective Services in Inyo County by the next Grand Jury.

3. After reviewing complaints and interviewing principals involved, the 2002-2003 Grand Jury made no recommendations concerning Northern Inyo Hospital (see p. 43) With an anticipated bond issue, probably to be introduced in the near future, the hospital might be an important focus for the next Grand Jury. Bond issues, like any subjects requiring informed voter response, often pose a problem of misinformation perpetrated by supporters and opponents alike. Perhaps the next Grand Jury could aid in presenting facts that would be informative and helpful to the public.

4. The Brown Act has been the subject of Grand Jury reports for the past few years. The need for accountability by all county agencies and special districts is the purpose of the act, and compliance with the act assures the public of such accountability. This year's Grand Jury recommends that future juries seek means of tracking and implementing

such compliance along with instructional aid for all agencies and districts as to their obligation to follow the Open Meeting requirements set forth in the Brown Act and to provide up-dated information regarding possible changes to the act now under consideration due to state budgetary pressures.

***INVESTIGATIONS, FINDINGS AND
RECOMMENDATIONS
OF THE 2002-2003 GRAND JURY***

2002-2003 INYO COUNTY GRAND JURY REPORT ON JAILS AND PRISONS WITHIN INYO COUNTY

REASONS FOR REVIEW

California Penal Code Section 919b provides that all county grand juries shall inquire into the conditions and management of all public jails and prisons (holding facilities) within their respective counties during their terms of service. An “inquiry” may be anything from a full-blown investigation to a simple walk through of a facility and its attending discussions with staff personnel.

METHODS OF INVESTIGATION

In keeping with the Penal Code, the 2002-2003 County Grand Jury visited each of the four holding facilities in our county during 2002: the Inyo County Jail on October 23, the Juvenile Detention Center on November 6, and both the Bishop City Jail and the Owens Valley Conservation Camp #26 on November 13. The jury’s findings and recommendations are as follows:

FINDINGS

In each of the facilities the jury was welcomed with cordiality and in a strict business-like manner. It was impressive to observe the enthusiasm of facility staff members regarding their particular agency, the evident dedication to their work and their aspirations for future improvements and/or pride in past achievements. With the exception of the Bishop City Jail, which continues to operate in quarters that are much too crowded and inadequate (something that little can be done to improve short of a new building project), each of the facilities appeared to be operating at peak efficiency in more than adequate facilities, and provided little need for further jury investigation or recommendations.

An exception to the above would be the Juvenile Detention Center where staff appears to continue operating under less than ideal conditions that should have been vigorously addressed by the County. Two matters seem to continue to plague the operation that probably could be greatly improved: (1) the acoustics in the day room, and (2) the kitchen facilities.

Both of these matters were reported on by the 2001-2002 Grand Jury with only slight improvement observed by this past year's jury.

The kitchen, which is called upon to provide meals to a capacity fourteen juveniles along with staff members, is wholly inadequate in stoves, refrigeration and dish washing equipment. While the original plan might have been to have the juvenile facility serviced by the county jail kitchen, such is not the current operation. Over the past year a cook has been functioning pretty much on a full-time basis, but virtually nothing has been done to improve/expand the kitchen. The Jury observed that most private homes in our community have equal, if not better, kitchen facilities.

As to the acoustical problems in the day room, staff reported that some money had been reserved in their last year's budget to purchase and install acoustical tiles for the ceiling of the day room, but that the county had used the reserve elsewhere. The noise that echoes throughout the day room, even from casual conversation, makes it impossible to conduct meaningful business and/or counseling activities. The county's response to the recommendation of the 2001-2002 Grand Jury, i.e., characterizing the acoustical problem as simply a "nuisance" and arguing that it presents no "security risk", (see p. 15, *supra*) is totally unacceptable and demonstrates a lack of sensitivity to the quality of life that personnel are attempting to establish for juvenile detainees. The elements of "confront, correct and counsel" that support the Juvenile Center's Mission Statement, can hardly be effectively implemented in a facility that is not detainee-friendly. After all, these are juveniles, and the hope is that they don't become adult inmates.

Just why the above-described problems of this otherwise impressive facility are ignored is difficult to understand. The application of acoustical tiles could improve the day room situation, and even used kitchen equipment of restaurant quality would be a vast improvement to what the staff has to deal with currently. There should be an active concern by county officials to correct these problems.

An additional problem might be the unpleasant odor that has occasionally permeated the facility during certain times of the year. However, the facility supervisor, Mr. George Johnston, reports that the problem has not arisen within the past year. Such finding is in keeping with the response by the County to the 2001-2002 Grand Jury's final Report.

In his letter to the County Board of Supervisors, dated February 18, 2002, the Honorable Dean Stout, then County Presiding Juvenile Court Judge, stated: *“To adequately rehabilitate the juvenile offender and protect society our juvenile detention facility must, to the extent reasonably possible, be a treatment facility as well as a juvenile hall or jail”*. This Grand Jury agrees wholeheartedly with that concern and, further, believes that such philosophy can be put into effect only if sufficient funds are invested in providing an environment that is conducive to effective treatment and counseling.

RECOMMENDATIONS

The 2002-2003 Grand Jury recommends that the County begin immediate action to correct the problems of the day room acoustics and kitchen upgrade.

RESPONSE REQUIRED: Inyo County Board of Supervisors; Probation Dept.

2002-2003 GRAND JURY REPORT ON NORTHERN INYO HOSPITAL

REASONS FOR REVIEW

In response to a letter of concern, the 2002-2003 Grand Jury reviewed purported problems relative to possible financial limitations and projected expansion plans at Northern Inyo Hospital. The complainant expressed concern over budgetary matters particularly in relation to possible efforts by hospital administration to seek increased tax support through a future bond issue. Additionally, the question of expanding and improving hospital facilities was addressed in light of the need for increased finances.

METHODS OF INVESTIGATION

The complainant appeared before the Grand Jury in December of 2002, and an in-depth discussion of possible administrative problems resulted in a further scheduled interview with Mr. John Halfen, then chief financial officer and, subsequently, administrator of the Northern Inyo Hospital. In January of 2003, Grand Jury Members arranged to visit the hospital and talked with various staff. The jury was cordially received and given an extensive tour of the hospital's facilities.

FINDINGS

1. Administrators and staff expressed concern about meeting state earthquake standards. The question of retrofitting current facilities as opposed to replacement of out-dated buildings with new construction appears to be a central issue as to the future of Northern Inyo Hospital.
2. In addition to up-grading facilities, staff and administration expressed a concern for hospital expansion that appeared to be of high priority. Underlying the issue is, predictably, the question of finances. Plans have been laid for seeking a bond issue in the near future. A lack of adequate room appeared to exacerbate the need for an increase in the hospital's budget.

3. Construction was underway at the time of the jury's visit for the new MRI facility which was completed subsequently and is in current use.
4. Inherent in the problems that were brought to the Grand Jury's attention appeared to be a lack of agreement in the defined philosophy underlying the hospital's mission or, at least, a basic disagreement as to what that mission should be. On the one hand, hospital administration and staff expressed enthusiasm for an expanded hospital facility that would be a central medical provider for the Owens Valley, north to Mammoth and east to Tonopah. Such a blueprint would require major expansion and up-grading of surgical, emergency and many other hospital departments along with adequate provision for many more beds than can presently be accommodated for hospital-admitted patients. In summary, hospital administration and staff appear to believe that if a better facility is built, the people will come (including new physicians, etc.).

In contrast, critics have expressed the opinion that more intensive coordination of the medical facilities presently serving this rural population, i.e. Northern Inyo Hospital, Southern Inyo Hospital, Mammoth and Tonopah, would be a much more efficient approach to the delivery of medical treatment for our rural population and, certainly, would be less costly. Each of the above-mentioned medical facilities, already in place, could concentrate in providing a particular area of expertise in the enhanced network, or so the argument goes.

One fundamental question, aside from financial matters, concerns whether or not Bishop, much less outlying medical facilities, can ever expect to attract the quality and number of qualified physicians and staff to this rural community that are necessary for staffing an enlarged hospital facility such as that envisioned by Northern Inyo's leadership. To put the question in another way, should Northern Inyo Hospital ever serve as more than a triage center for emergency and other major medical needs for patients who are subsequently referred/transferred to larger urban hospitals? Clearly, at this time the answer lies outside the jurisdiction of the Grand Jury.

RECOMMENDATIONS:

The Jury makes no recommendations

NO RESPONSE REQUIRED

2002-2003 INYO COUNTY GRAND JURY REPORT ON INYO COUNTY LIBRARY

REASON FOR REVIEW

In February of 2003, an unsigned letter of complaint was received from a complainant apparently representing employees of the Inyo County Library. Said complaint concerned the fact that regular performance evaluations were no longer being given for library employees, and that the cessation of such evaluations began with the retirement of the Library Director in 2000 and the attending reorganization of the Inyo County Library system. The complainant viewed this development as a violation of library employee rights under the Personnel Rules and the memorandum of understanding with the employee's association. The impact of such change in practice, according to the complainant, is that step/career increases cannot take place without the regular performance evaluations.

METHOD OF INVESTIGATION

Upon request, Mr. Bill Michael, Director of the Inyo County Library/Museum, appeared before the full Grand Jury on March 19.

FINDINGS

1. Mr. Michael was most cooperative in providing information regarding the matter of employee evaluations.
2. There has been a suspension of employee evaluations for library staff since Mr. Michael assumed the new position of director of Library/Museum. The Library/Museum director fully intends to reinstate employee evaluations in the near future.
3. Mr. Michael understands that employee evaluations are not a prerequisite to step or salary increases for library staff/employees and that such increases have continued to take place even though the evaluations have not.
4. Adequate provisions are available through the employee association to air and correct employee grievances. Because an employee association

does exist for all county workers, the Grand Jury should not exercise jurisdiction over employee grievances. The Jury encourages all county employees to work with their employee association to bring about satisfactory enforcement of the current memorandum of understanding between the association and county government and, accordingly, makes no recommendations.

NO RESPONSE REQUIRED.

2002-2003 INYO COUNTY GRAND JURY REPORT ON CHILD PROTECTIVE SERVICES

REASON FOR REVIEW

During its 2002-2003 term, the Inyo County Grand Jury received complaints regarding the Department of Child Protective Services (hereinafter referred to as CPS). Those complaints, along with a series of letters to the editor published in the Inyo Register early in 2002, prompted an investigation that, while currently incomplete, focused on such concerns as the required training and qualifications of CPS employees and social workers, the preparation and qualifications for entrance of applicants into the foster parent program, and other assorted aspects of Child Protective Services, much of which apparently has generated a possible negative attitude toward this vital county office.

METHODS OF INVESTIGATION

On several separate occasions, complainants appeared before the full Grand Jury and supplied detailed oral testimony and written documents underlying their concerns. Subsequently, a sub-committee of the Grand Jury was appointed in Mid-March of 2003 to follow-up on said complaints, and administrators from the Department of Health and Human Services and CPS appeared before both the full Grand Jury as well as its sub-committee. Additionally, numerous documents were subpoenaed from CPS.

FINDINGS

1. The Department of Health and Human Services and CPS were most cooperative in supplying information and documentation for the jury's investigation. While acutely sensitive to complaints being expressed concerning their department, CPS personnel appeared to accept such matters as intrinsic to their specific responsibilities. The Grand Jury tends to agree that emotions can "run high" when the treatment of children is the center of attention.
2. The Grand Jury finds that there is a lack of training for CPS social workers, or at least a lack of documentation of such training. Some CPS employees received minimum training through their

- licensing/certification processes. However, there is a need for continuing education for social workers and adequate recordation of same. Further, the Jury finds that training materials available to its personnel through CPS are seriously outdated and ineffective.
3. The Jury finds that training for prospective and current foster parents and other child care families in Inyo County is inadequate. Again, upon review, the Jury finds that materials for training and aiding foster families, provided through CPS, are outdated and ineffective.
 4. The Jury finds that a good deal of the complaints and mistrust of CPS might be alleviated if the department would invest some time in educating the public concerning its duties and responsibilities as well as publicizing the apparent commitment of its personnel to the work of protecting children and their families.
 5. The Jury finds that there exists an obvious lack of accountability on the part of CPS relative to investigations into child abuse, any resulting filing of complaints and/or court proceedings. Clearly the problem is not confined to Inyo County CPS and appears to exist in child protective agencies on a state-wide, if not a national level.
 6. The Jury finds that there is a serious lack of foster homes available in Inyo County that necessitates the securing of foster care facilities outside the county at an increased expense.

RECOMMENDATIONS

1. The Jury recommends that there be an in-depth review of current training programs for CPS employees/social workers who deal with the public with an emphasis on documenting the completion of such training.
2. The Jury recommends that there be an in-depth review of the training programs now in use by Inyo County CPS for foster parenting and child care, including a comparison of same with state/national programs.

3. The Jury recommends considering the possibility of starting a media-type informational program highlighting the mission of CPS with emphasis on positive goals for aiding families in Inyo County. The Jury further notes that CPS has recently been featured in a five-part series, published in the Inyo Register, concerning child abuse. However, an additional emphasis might be placed on “family protection” in addition to child protection.
4. The Jury recommends that an oversight committee be formed, using professional and lay-persons, or using the Grand Jury system, to review the cases brought forward by CPS for purposes of accountability.
5. The Jury recommends that, in light of its incomplete investigation, that the 2003-2004 Grand Jury further investigate the citizen complaints against CPS received during this jury term in hope of improving the department’s work and relations with foster families.

RESPONSE REQUIRED: Departments of Health and Human Services;
Child Protective Services; Inyo County Board of Supervisors

2002-2003 INYO COUNTY GRAND JURY REPORT ON OPEN MEETING LAW (Brown Act)

BACKGROUND:

The Grand Jury asked for information from schools and special districts regarding their awareness of regulations in conducting business meetings, which by law must be open to the public. A letter was sent to all schools and special districts seeking information concerning compliance with the Brown Act. There were 22 out of 29 possible responses to the letter.

FINDINGS:

1. The California Open Meeting Law (Brown Act) requires local governmental bodies to (a) post all meeting agendas in a public place 72 hours prior to a regular meeting (24 hours prior to a special meeting); (b) items for discussion and/or vote must be conducted in open session, unless specifically authorized for closed session; (c) items not listed on the agenda are not to be discussed or voted upon; (d) a public comment period must be scheduled either before or after discussion of agenda items; and (e) meetings are to be held within district boundaries.
2. From the 22 responses to the Grand Jury's letter, there appears to be an awareness of requirements of the Brown Act.

RECOMMENDATIONS:

1. All school and special districts should follow all reporting requirements of the State. As public information, the districts should correspond with the County Clerk on a yearly basis to help keep public records, such as membership and contact sources, up to date.
2. Regular meetings. The Grand Jury recommends they should also give notice to the press of all public meetings.
3. All schools and special districts should acquaint themselves thoroughly

with requirements of the Brown Act. When new members are elected or appointed to a district governing body, Brown Act training should be mandatory. A publication concerning the Brown Act may be obtained from the State Attorney General's office. Local training is also available by contacting the Inyo County Counsel's office. Special effort should be made to train all special district board members, as well as newly elected/appointed members, in the provisions and requirements of the Brown Act.

4. Subsequent Grand Juries should correspond with all school and special districts regarding the Brown Act. A yearly letter to all such governing bodies could include where to get information concerning key provisions that such districts need to be aware of. Also, requesting a letter of response from each district would be beneficial to future Grand Juries.

5. Final reports by future Grand Juries should include a segment on the Brown Act, alerting schools and special districts that the Grand Jury may be the appointed body to conduct investigations concerning compliance with the Open Meeting Law.

6. Future Grand Juries might alert the public, if they have complaints of Brown Act violations, to contact the District Attorney's office for formal action and the Grand Jury for further investigation.

NO RESPONSE REQUIRED